

Notice of Allowability

Application No.

10/799,599

Examiner

LaTanya Bibbins

Applicant(s)

HWANG ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for continued examination filed 30 August 2007.
2. ☒ The allowed claim(s) is/are 1-7, 16-21, 44, and 45 (to be renumbered 1-15).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 30, 2007 has been entered.

2. In the remarks filed on July 30, 2007, Applicant amended claims 1 and 16, added claims 44 and 45, and submitted arguments for allowability of pending claims 1-7, 16-21, 44 and 45.

Response to Arguments

3. Applicant's arguments, filed July 30, 2007, with respect to claims 1-7, 16-21, 44, and 45 have been fully considered and are persuasive.

Allowable Subject Matter

4. Claims 1-7, 16-21, 44, and 45 (to be renumbered 1-15) are allowed.

5. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-7 and 44, none of the references of record, alone or in combination, suggest or fairly teach the limitations of independent claims 1 and 44 in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior

Art Unit: 2627

art fails to disclose a recording medium, comprising: a data area disposed between a lead-in area and a lead-out area, including a user data area to record data, and at least a spare area having a replacement area or cluster to store data to replace a defective area or cluster occurring in the user data area and position information regarding the defective area or cluster; and a defect management area (DMA) arranged in at least one of the lead-in area and the lead-out area, **to store defect information identifying positions of the defective area or cluster and the replacement area or cluster.**

Regarding claims 16-21 and 45, none of the references of record, alone or in combination, suggest or fairly teach the limitations of independent claims 16 and 45 in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to disclose an apparatus, comprising: a recording/reading unit to record/read data with respect to a recording medium comprising a data area disposed between a lead-in area and a lead-out area, including a user data area and at least a spare area having a replacement area or cluster to replace a defective area or cluster occurring in the user data area; and a defect management area (DMA) arranged in one of the lead-in area and the lead-out area; and a controller arranged to control the recording/reading unit to record data for replacing the defective area or cluster of the recording medium, and position information regarding the defective area or cluster, on the replacement area or cluster located in the spare area of the recording medium, **and to record defect information identifying positions of the defective area or cluster and the replacement area or cluster in the defect management area (DMA).**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571) 270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/799,599

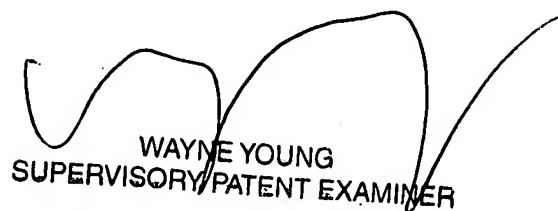
Page 5

Art Unit: 2627

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LaTanya Bibbins



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER